

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

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*In re:* Application Pursuant to  
28 U.S.C. § 1782 of

FARHAD AZIMA  
5921 Ward Parkway  
Kansas City, Missouri 64113

Petitioner,

v.

BANK OF AMERICA, N.A.  
100 North Tryon Street  
Charlotte, North Carolina 28255

Respondent.

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No. 3:22-cv-00095

**APPLICATION FOR ORDER TO TAKE DISCOVERY PURSUANT TO  
28 U.S.C. § 1782**

Farhad Azima respectfully moves for an order pursuant to 28 U.S.C. § 1782 to allow him to issue a subpoena to Bank of America, N.A. (“Bank of America”) pursuant to Federal Rules of Civil Procedure 26 and 45, directing Bank of America to produce documents for use in connection with a case pending in the High Court of Justice of England and Wales (the “UK Court”) styled *Farhad Azima -v- (1) RAKIA (2) David Neil Gerrard (3) Dechert LLP and (4) James Edward Deniston Buchanan* (Claim Number: HC-2016-002798) (the “UK Proceedings”).

As explained in the accompanying memorandum of law and declaration of Dominic Holden, Mr. Azima’s application satisfies all three statutory requirements

necessary to obtain discovery under section 1782: “(1) the applicant is an interested person, (2) the discovery production is for use in a proceeding, and (3) the person at whom the order is directed resides in the district where the motion was filed.” *RF Micro Devices, Inc. v. Xiang*, No. 1:12CV967, 2013 WL 12136502, at \*1 (M.D.N.C. Nov. 4, 2013). Specifically, Mr. Azima is an “interested person” as the plaintiff in the UK proceeding; Mr. Azima seeks this discovery for use in a proceeding pending before a foreign tribunal, the UK Court; and Bank of America is headquartered in the Western District of North Carolina.

In addition, the four discretionary factors identified by the United States Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 264-65 (2004), all weigh in favor of granting this Application. Bank of America is not a party to the proceedings before the UK Court; the UK Court is not opposed to this form of discovery; Mr. Azima is not concealing an attempt to circumvent the requirements of the UK Court; and the discovery sought is narrowly tailored so as not to be unduly burdensome to Bank of America.

Thus, Mr. Azima respectfully requests this Court to enter an order:

1. Granting Mr. Azima’s Application for discovery from Bank of America pursuant to 28 U.S.C. § 1782; and
2. Authorizing Mr. Azima to issue a subpoena in substantially the same form as the draft attached.

This, the 8th day of March, 2022.

**WOMBLE BOND DICKINSON (US) LLP**

/s/ Ripley Rand

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**MILLER & CHEVALIER CHARTERED**

/s/ Kirby D. Behre

Kirby D. Behre (*pro hac vice forthcoming*)  
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*Counsel for Petitioner*

## **CERTIFICATE OF SERVICE**

I hereby certify that on or about March 8, 2022, I caused a true and correct copy of Farhad Azima's Application for Order to Take Discovery Pursuant to 28 U.S.C. § 1782 and accompanying documents sent via Federal Express overnight delivery to the following address:

BANK OF AMERICA, N.A.  
100 North Tryon Street  
Charlotte, North Carolina 28255

This, the 8th day of March, 2022.

### **WOMBLE BOND DICKINSON (US) LLP**

/s/ Ripley Rand

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